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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,554	11/29/2001	Timothy J. Whited	14105	5253

7590

05/27/2004

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EXAMINER

TO, TOAN C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 05/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,554

Applicant(s)

WHITED ET AL.

Examiner

Toan C To

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3--31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-31 is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 9-14 is/are rejected.
- 7) ☒ Claim(s) 7, 8 and 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a cavity and instrument panel as claimed in claims 1, 18, and 31 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-6, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonooka (U.S. 6,457,744).

Tonooka discloses a passenger side airbag restraint module with the following: an inflatable cushion (6) defining a mouth (14) for receiving inflation fluid; a substantially cylindrical housing (5) shaped to be mounted within a cavity in an instrument panel (1)

of the vehicle, the housing (5) configured to retain the inflatable cushion (6) when the cushion (6) is in a folded state; an inflation fluid source (7), having a proximal end (E2) and a distal end (E1), attached to the housing (5) and in communication with the inflatable cushion (6), a majority of the inflation fluid source (7) positioned within the housing (5); and a retaining collar (13) defining an opening (13a), the retaining collar (13) positioned to retain the inflatable cushion (6) in communication with the inflation fluid source (7).

As to claim 3, Tonooka discloses a passenger side airbag restraint module with the following: wherein the inflation fluid source (7) is disc-shaped.

As to claims 4-6, Tonooka discloses a passenger side airbag restraint module with the following: wherein the inflation fluid source (7) comprises an attachment flange (F, see figure 2) extending orthogonally outward from an outer surface of the inflation fluid source (7); wherein the flange (F) is positioned adjacent the proximal end of the inflation fluid source (7); and the majority of the inflation fluid source is between the distal end (E1) and the attachment flange (F); wherein the inflation fluid source (7) comprises a plurality of openings (see figure 2) spaced about an outer surface of the inflation fluid source (7) through which inflation fluid is directed out of the inflation fluid source.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonooka in view of Ludwig et al (U.S. 6,474,684).

Tonooka discloses every element of the invention as discussed above in claim 1, but fails to directly disclose the inflation fluid source produces at least about 80 liters of inflation fluid volume or at least about 120 liters of inflation fluid volume, and the inflation fluid source weighs between about one kilograms.

Ludwig et al teaches the invention with the following: wherein, the inflation fluid source comprises a pyrotechnic generant that produces at least about 80 liters of inflation fluid volume or at least about 120 liters of inflation fluid volume (see column 1, lines 36-49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag restraint module of Tonooka by replacing his inflator by the inflator as taught by Ludwig et al in order to a sufficient amount of fluid for protecting occupant upon collision.

As to claims 13-14, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag restraint module of Tonooka to have an inflation fluid source weighs about one kilogram in order to facilitate mounting arrangement of the inflator within various locations inside the vehicle compartment.

Allowable Subject Matter

6. Claims 7-8, 15, 16, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 18-31 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (703) 306-5951. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

To, T 

May 14, 2004

 5/12/04
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600